

REMARKS

Claims 1-9 and 11-31 are pending in the present application.

The rejections of:

- (a) Claims 1-5, 8, 9, 12-14, and 26-31 under 35 U.S.C. §103(a) over Hopkinson et al (US 2006/0180957) in combination with Dorscher et al and either Zhu et al or Wills et al;
- (b) Claims 6 and 7 under 35 U.S.C. §103(a) over Hopkinson et al (US 2006/0180957) in combination with Dorscher et al and either Zhu et al or Wills et al and further in view of Narang et al;
- (c) Claim 11 under 35 U.S.C. §103(a) over Hopkinson et al (US 2006/0180957) in combination with Dorscher et al and either Zhu et al or Wills et al and further in view of Sherwood;
- (d) Claims 15 and 16 under 35 U.S.C. §103(a) over Hopkinson et al (US 2006/0180957) in combination with Dorscher et al and either Zhu et al or Wills et al and further in view of van der Geest; and
- (e) Claims 17-19 under 35 U.S.C. §103(a) over Hopkinson et al (US 2006/0180957) in combination with Dorscher et al and either Zhu et al or Wills et al and further in view of Liu et al,

are respectfully traversed.

The Examiner relies upon the disclosure of Hopkinson et al (US 2006/0180957) in making the new grounds of rejection. However, Applicants submit that these rejections are improper and should be withdrawn based on the fact that Hopkinson et al is not “prior art”. Specifically, Hopkinson et al published on August 17, 2006, based on an application

originally filed on July 2, 2004 as PCT/GB04/03142. Accordingly, Hopkinson et al is only available as art under 35 U.S.C. §102(a) on August 17, 2006 and is available as art under 35 U.S.C. §102(e) on July 2, 2004. However, the present application was filed on March 15, 2004, which is three and a half months *prior* to the earliest date that Hopkinson et al is available as art. Accordingly, Hopkinson et al does not qualify as “prior art” and cannot be cited against the present invention.

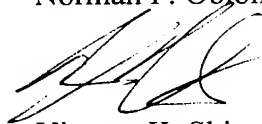
In view of the fact that Hopkinson et al is not “prior art”, Applicants submit that Hopkinson et al and Dorscher et al, even when taken together with Zhu et al, Wills et al, Narang et al, Sherwood, van der Geest, and Liu et al, do not affect the patentability of Claim 1 or the claims dependent therefrom.

Withdrawal of these grounds of rejection is requested.

Applicants submit that the application is now ready for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

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